



UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

- v. -

ALAN KAUFMAN,

Defendant.

**STIPULATION AND ORDER
FOR A STAY OF FORFEITURE
AND FINE PENDING APPEAL**

19 Cr. 504 (LAK)

WHEREAS, on or about July 10, 2019, ALAN KAUFMAN (the "Defendant"), was charged in Indictment 19 Cr. 504 (LAK) (the "Indictment") with conspiracy to commit bank bribery, in violation of Title 18, United States Code, Section 371 (Count One); and bank bribery, in violation of Title 18, United States Code, Section 215 (Counts Two and Four);

WHEREAS, the Indictment included a forfeiture allegation seeking forfeiture to the United States, pursuant to Title 18, United States Code, Section 982(a)(2) of, *inter alia*, all that lot or parcel of land, together with its buildings, appurtenances, improvements, fixtures, attachments and easements, located at Section 17, Block 15, Lot 18, 175 High Pond Drive, Jericho, New York, 11753 (the "Specific Property");

WHEREAS, on or about March 31, 2021, the Defendant was convicted by a jury of Counts Two (Gratuities) and Four (Gratuities) of the Indictment;

WHEREAS, on or about September 29, 2021, the Court entered a Preliminary Order of Forfeiture as to Specific Property (the "Forfeiture Order") forfeiting all right, title and interest of the Defendant in the Specific Property as property constituting or derived from proceeds traceable to the offenses alleged in Counts Two and Four of the Indictment (D.E. 250);

WHEREAS, on or about September 29, 2021, the Court ordered the defendant to pay a fine in the amount of \$30,000 (the "Fine Amount");

WHEREAS, on or about October 13, 2021, the Defendant appealed his trial conviction and sentence on Counts Two and Four of the Indictment, including the Forfeiture Order, to the Second Circuit Court of Appeals (the "Appeal"); and

WHEREAS, the Government and the Defendant have agreed to stay the Forfeiture Order and the Fine Amount pending the Appeal;

IT IS HEREBY STIPULATED AND AGREED, by and between the United States of America, by its attorney, Damian Williams, United States Attorney, Assistant United States Attorney Michael McGinnis, of counsel, and the defendant, Alan Kaufman, and their counsel, Nelson Boxer, Esq. that:

1. The Forfeiture Order is hereby stayed, and the United States Marshal Service shall not take custody of, or otherwise dispose of, the Subject Property until the conclusion of the Appeal and all proceedings on remand, if any.
2. Upon the entry of this Stipulation and Order, the United States Attorney's Office for the Southern District of New York will provide notice of the stay of the Forfeiture Order to the United States Marshals Service.
3. The imposition of the Fine Amount is hereby stayed until the conclusion of the Appeal and all proceedings on remand, if any.
4. Nothing in this stipulation shall affect any ancillary proceeding to address any third party claims to the Subject Property, or prevent the Government from seeking a Final Order of Forfeiture with respect to any third party claims to the Specific Property during the pendency of the Appeal.

5. The Defendant shall not sell, transfer or encumber the Specific Property during the pendency of the Appeal.

6. The Defendant shall not incur any obligations secured by the Specific Property after the date of the entry of this Stipulation and Order, without the prior written authorization of the Government.

7. The Defendant shall maintain the Specific Property at his expense in the same, or better, condition and repair as of the date of this Stipulation and Order. The term “maintain” shall include, but not be limited to, keeping the Specific Property free of hazards and/or structural defects; keeping all heating, air conditioning, plumbing, electrical, gas, oil, or other power facilities in good working condition and repair; keeping the Specific Property clean and performing necessary sanitation and waste removal; maintaining the Specific Property and grounds in good condition by providing snow removal, lawn mowing and all other ordinary and necessary routine maintenance. The Defendant shall maintain casualty and fire insurance equal to the full replacement cost of the Specific Property and all improvements thereon, and shall maintain liability insurance for injuries occurring on or resulting from the use of the Specific Property, or activities or conditions thereon. The Defendant shall also timely pay any and all mortgage, home equity loan, rent utilities, sewer, trash, maintenance, cable television, tax and/or other obligations, otherwise necessary and due on the Specific Property. Moreover, the Defendant shall abide by all laws, codes, regulations, ordinances, covenants, rules, bylaws, binding agreements and/or stipulations or conditions pertaining to the care, maintenance, control and use of the Specific Property.

8. During the pendency of the Appeal, the United States Marshals Service or its designees shall have the right to enter and inspect the Property, upon 72 hours advance notice

to the Defendant's attorney, in order to ensure compliance with this Stipulation and Order. The Defendant shall fully cooperate with any persons and entities designated by the Marshals to inspect the Property.

9. The Court shall retain jurisdiction to enforce this Stipulation and Order, and to amend it as necessary, pursuant to Rule 32.2(e) of the Federal Rules of Criminal Procedure.

10. Each party shall bear its own costs and attorney's fees.

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11. The signature page of this Stipulation and Order may be executed in one or more counterparts, each of which will be deemed an original but all of which together will constitute one and the same instrument. Signature pages may be by email or fax and such signatures shall be deemed as valid originals.

AGREED AND CONSENTED TO:

DAMIAN WILLIAMS
United States Attorney for the
Southern District of New York

By: Michael McGinnis
MICHAEL MCGINNIS
Assistant United States Attorney
One St. Andrew's Plaza
New York, NY 10007
Tel.: (212) 637-2305

11/24/2021

DATE

DEFENDANT ALAN KAUFMAN

By: Alan Kaufman
ALAN KAUFMAN

11/23/2021

DATE

By: Nelson Boxer
NELSON BOXER, ESQ.
Petrillo Klein & Boxer LLP
655 Third Avenue
New York, NY 10017
Counsel for ALAN KAUFMAN

11/23/21
DATE

SO ORDERED:

Lewis A. Kaplan
HONORABLE LEWIS A. KAPLAN
United States District Judge

11/29/21
DATE